



1101 15TH ST NW, SUITE 205, WASHINGTON, DC 20005
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April 4, 2008

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: RM-11358: Petition of XO Communications, LLC, Covad Communications Group, Inc., NuVox Communications and Eschelon Telecom, Inc. for a Rulemaking to Amend Certain Part 51 Rules Applicable to Incumbent LEC Retirement of Copper Loops and Copper Subloops; Policies and Rules Governing Retirement of Copper Loops by Incumbent Local Exchange Carriers

Dear Ms. Dortch:

On April 3, 2008, the undersigned and Tony Hansel of Covad Communications, Greg Kennan of One Communications, and Lisa Youngers of XO (via telephone) met with Jon Reel, William Kehoe, and Heather Thompson of the Wireline Competition Bureau to discuss the above-captioned petition for rulemaking, various state-level activities relevant to the issue, and the need for proactive federal protection of copper infrastructure. A copy of materials discussed in the meeting is attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Angela Simpson".

Angela Simpson
Covad Communications Company

Copper Preservation

- RM-11358
- Petitions for rulemaking filed January 2007
- Strong support for FCC rulemaking
 - Changed circumstances/advances in copper technology
 - Competitive benefits
 - Emergency communications/redundancy
 - Preservation of valuable resource
 - Procedural deficiencies for copper retirements

California

- CALTEL filed a Petition for CPUC to open a rulemaking to establish rules for ILEC copper retirement (consistent with proposed rules pending at FCC). R. 08-01-005
- CPUC granted CALTEL's Petition (1/10/08)
 - Established Comment Cycle (3/14/08-initial; 4/14/08-reply)
 - Established Scope of Proceeding and List of Questions to be Addressed
- CPUC ALJ granted extension for Reply Comments to 5/9/08 and will allow third round of reply comments on 5/28/08.
- CPUC anticipates holding public hearing (likely Summer 2008).
- CPUC anticipates a decision within 18 months (~6/09) – expected sooner.

Maryland

- On August 9, 2007, the Office of People's Counsel requested investigation into practices of Verizon pertaining to local services over fiber optic facilities.
- Based on complaints received by OPC, OPC requested that the Maryland PSC conduct an investigation into, among other things, the:
 - operational differences of FiOS telephone service versus traditional telephone service over copper facilities;
 - impact switching to FiOS telephone service will have on obtaining wireline service over copper facilities from other carriers in the future; and
 - impact of Verizon's handling of copper facilities on telephone competition.
- XO, Covad, One Communications and Cavalier have intervened on the competitive issues.
- Hearings scheduled for Summer 2008.

Copper Network Preservation

- Eliminating copper is not technically necessary for the installation of fiber. The benefits of retaining copper outweighs the costs.
- Right now, consumers can do NOTHING to prevent copper decommissioning.
- The FCC should take this opportunity to proactively address this looming issue at the federal level to ensure that the public interest is served.